

CRM-M-73692-2025 (O&M)

1

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-73692-2025 (O&M)**
Reserved on : 23.01.2026
Pronounced on : 10.02.2026

Amit Bhandari

..... Petitioner

VERSUS

Union of India

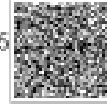
..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGHArgued by : Mr. Sunil Chadha, Sr. Advocate with
Mr. Raghav Chadha, Advocate for the petitioner.Mr. Sourabh Goel, Special Public Prosecutor, NCB with
Ms. Himanshi Gautam, Advocate for the respondent.

SURYA PARTAP SINGH, J.

The petitioner, who is in custody and facing prosecution for the commission of offence punishable under Sections 8, 22, 23, 25, 27-A and 29 of 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', Narcotics Control Bureau, Amritsar Zonal Unit, District Amritsar, vide NCB Crime No.14 dated 01.05.2025 (Complaint No.950/2025 dated 27.10.2025), has filed the present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner is in custody and therefore, craving for bail. This is first petition filed by the petitioner.

2. The petitioner is facing abovementioned prosecution in the backdrop of following events:-



CRM-M-73692-2025 (O&M)

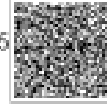
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“On 01.05.2025, the officers of Narcotics Control Bureau, Amritsar Zonal Unit recovered 31900 tablets of Tramadol from Ballista Pharmaceuticals, SCF-6, Jawala Estate, Haripura Road, Amritsar. A crime case bearing NCB Crime No.14 dated 01.05.2025, under Section 8, 22 of NDPS Act, 1985 was registered against Amit Bhandari. During investigation of abovesaid case NCB team conducted raid at Corporate Medicos, Inside Corporate Hospital, Amritsar and recovered 2000 tablets of Tramadol and arrested Rajinder Rajan on 02.05.2025 and also arrested Jatinder Malhotra on 03.05.2025. Another team of NCB Amritsar raided at Life Kare Medicare Inside Life Kare Hospital, Nirankari Colony, Fatehgarh Churian Road, Amritsar on 02.05.2025 and recovered 472 Tablets of Tramadol, but the accused Parveen Kumar, who is sole proprietor of the said firm Life Kare Medicare absconded from the raided place.”

3. With regard to abovementioned seizure, the petitioner was taken into custody on 03.05.2025.

4. Heard.

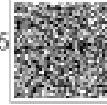
5. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime. According to learned counsel for the petitioner, in the present case the link between the alleged commission of crime and the petitioner has been established by the respondent-NCB on two counts: firstly, that at the time of raid, when the premises of ‘Ballista Pharmaceuticals’ were found to be locked and an information was given to its partner, the petitioner came on the spot along with keys of the abovementioned premises and facilitated the checking of premises by the officials of raiding party.

**CRM-M-73692-2025 (O&M)**

3

6. With regard to above, the learned counsel for the petitioner has contended that in fact the petitioner was former partner of the firm, namely 'Ballista Pharmaceuticals', and that w.e.f. 01.04.2022, when the petitioner retired from the abovementioned firm, the elder brother of the petitioner and his family was running the abovementioned firm. As per learned counsel for the petitioner, since on the day when raid was conducted, i.e. on 01.05.2025, by the officials of NCB, the elder brother of the petitioner, namely Deepak Bhandari, was not available being out of station and therefore, as a good gesture to facilitate the examination of premises by the officials of NCB, the petitioner, who was earlier a partner of the firm, collected keys from the house of his elder brother and facilitated the search/examination of premises by the officials of NCB. According to learned counsel for the petitioner, since the petitioner was present on the spot at the time of examination, he signed the search memo also, as a witness. As per learned counsel for the petitioner, the abovementioned fact in itself does not create any responsibility against the petitioner with regard to business being run by 'Ballista Pharmaceuticals'. With regard to above, the learned counsel for the petitioner has referred to Annexure P-3, the deed of retirement of petitioner from the abovementioned firm.

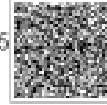
7. In addition to above, the learned counsel for the petitioner has also argued that the petitioner cannot be held responsible for supply of drugs beyond the permissible limit of license to 'Lifekare Medicare' as the list submitted by the respondent/NCB showing sale of abovementioned drug to 'Lifekare Medicare' had taken place after the retirement of petitioner from the firm and not during his partnership.



8. The learned counsel for the petitioner has further contended that the third count on which the respondent is trying to show the commission of offence is the fact that in the year 2020, the stock register being maintained by 'Ballista Pharmaceuticals' shows that the stock of abovementioned drug Tramadol (Tricon-P) was beyond the permissible limit of 50,000 and thus, during that period, when the petitioner was a partner in the firm, the firm had stocked the drug beyond permissible limit and thus, committed the abovementioned offence.

9. With regard to above, the learned counsel for the petitioner has contended that the abovementioned stock position was maintained by the petitioner way back in the year 2020 and as per prescribed procedure, the stock position was regularly reported by the firm to the Drug Controlling Authority. The learned counsel for the petitioner has also contended that it was not only the firm of the petitioner, which was regularly reporting its stock position to the Drug Controlling Authority, but also the manufacturer/supplier of the abovementioned drug to the petitioner's firm, and thus at that point of time, even if it is assumed that technically the firm of the petitioner had stocked Tramadol beyond the permissible limit, no *mens rea* can be attributed to the petitioner.

10. The abovementioned arguments have been controverted by the learned counsel for the respondent/Union of India. It has been contended by learned counsel for the respondent that irrespective of the fact that the petitioner had signed a deed of relinquishment of partnership firm, showing his retirement on 01.04.2022, the petitioner has been a person, who was looking after the day-to-day business of the firm, 'Ballista Pharmaceuticals'.

**CRM-M-73692-2025 (O&M)**

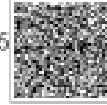
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According to learned counsel for the respondent that is why the petitioner was present on the spot with keys when the raid was conducted by the officials of NCB at the premises of 'Ballista Pharmaceuticals'. As per learned counsel for the respondent, the petitioner had also signed the spot memos prepared by the raiding party on the spot, and thus, the petitioner, who had been responsible for the business of the firm, namely 'Ballista Pharmaceuticals', cannot shy away from the responsibility of illegal activities of abovementioned firm.

11. In addition to above, the learned counsel for the respondent has also contended that in the present case, admittedly the petitioner was a partner of the firm, namely 'Ballista Pharmaceuticals' till 31.03.2022, and that the stock position being maintained by the abovementioned company shows that in the year 2020, the total stock position of the Tramadol (Tricon-P) with the abovementioned firm was beyond the permissible limit. According to learned counsel for the respondent since in the year 2020 admittedly the petitioner was a partner of the firm, he is responsible of the abovementioned offence.

12. The record has been perused carefully.

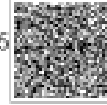
13. In the present case, at the very outset it is pertinent to mention here that the allegations against the petitioner are that when the premises of partnership firm, namely 'Ballista Pharmaceuticals', were searched by the officials of NCB, the petitioner was present there, and that at the time of raid, 31,900 tablets were recovered. With regard to above, it is relevant to mention here that the drug licence issued in the name of 'Ballista



Pharmaceuticals' has been placed on record by the petitioner, as Annexure P-4. The abovesaid licence issued under Drugs and Cosmetics Act shows that the abovementioned licence is valid w.e.f. 01.04.2022 till 31.03.2027, and that as per conditions enshrined under the abovementioned licence, the firm 'Ballista Pharmaceuticals' is authorized to maintain stock of Tramadol and Tricon-P up to the limit of 50,000 oral doses. Since at the time of raid, the recovery of abovementioned tablets was within permissible limit of licence, it is hereby held that *prima facie* there was no violation of licence conditions by the firm, namely 'Ballista Pharmaceuticals'.

14. The second limb of arguments of learned counsel for the petitioner has been that the abovementioned firm was responsible for supplying 1000 tablets per bill to the firm, namely 'Lifekare Medicare', and the abovementioned sale to 'Lifekare Medicare' was in violation of licence issued to the abovementioned firm, as the firm 'Lifekare Medicare' was permitted to maintain the stock of 500 tablets only at one point of time.

15. With regard to abovementioned violation, it is pertinent to mention here that the sale by 'Ballista Pharmaceuticals' to 'Lifekare Medicare' was during the period subsequent to 01.04.2022. As per the deed with regard to retirement of petitioner from the firm, namely 'Ballista Pharmaceuticals', the petitioner had retired from the abovementioned w.e.f. 01.04.2022, and the license issued by the Drug and Licensing Authority (Annexure P-4 and P-5) shows that w.e.f. 01.04.2022, the partners of abovementioned firms were 'Deepak Bhandari', 'Priya Bhandari' and 'Nabhay Bhandari'. Since the petitioner had ceased to be a partner of abovementioned firm w.e.f. 01.04.2022, it is hereby held that for any illegal

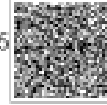


sale by the firm, 'Ballista Pharmaceuticals', the petitioner cannot be held responsible.

16. The third limb of arguments of learned counsel for the petitioner has been that the petitioner was partner of the abovementioned firm in the year 2020, and in that year, the total stock position of the abovementioned firm with regard to drug Tramadol (Tricon-P) was beyond the permissible limit of 50,000 tablets.

17. With regard to relation between the 'Ballista Pharmaceuticals' and the petitioner, the respondent/Union of India has also tried to connect a case that the petitioner on interrogation had suffered a disclosure statement, wherein he admitted that he is looking after the day-to-day business of the abovementioned firm. The abovementioned statement of petitioner was recorded under Section 67 of NDPS Act. With regard to abovesaid claim, the principle of law laid down in the case of 'Tofan Singh Vs. State of Tamil Nadu', 2021(4) SCC 1, is relevant. It has been observed by the Hon'ble Supreme Court of India, in the abovementioned case, that confessional statement of accused recorded under Section 67 of NDPS Act cannot be admitted in evidence, as a confession.

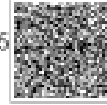
18. As far as the principles governing the benefit of bail in a case related to NDPS Act, are concerned, the principles of law laid down by the Hon'ble Supreme Court in the case of 'Mohd. Muslim @ Hussain v. State' (NCT of Delhi), 2023 SCC OnLine SC 352 are relevant, wherein the Hon'ble Supreme Court has held that grant of bail on account of undue delay in trial cannot be said to be fettered under Section-37 of the NDPS Act,



given the imperative of Section 436-A which is applicable to offences under the Act.

19. In this regard it is also relevant to mention here that the Hon'ble Supreme Court of India in the case of 'Manmandal and Another v. State of West Bengal', Special Leave Petition (Criminal) No.8656 of 2023 decided on 14.09.2023 and 'Rabi Prakash v. State of Odisha', 2023 SCC Online SC 1109, extended the benefit of bail to the accused, who had been incarcerated for a period of almost 2-3 years and the trial was likely to take considerable time. The above-mentioned benefit has been given by observing that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article-21 of the Constitution, and in such a situation, the constitutional principles must override the statutory embargo contained under Section-37 of the NDPS Act.

20. In addition to above, in a recently pronounced verdict in the case of 'Santosh Pawar Vs. State of Chhattishgarh & Anr.' Criminal Appeal No.4883/2025, the Hon'ble Supreme Court of India observed that rigors of Section 37 of NDPS Act will not be a bar for considering the case of an accused for bail as it comes with a condition that the prosecution would press for an early completion of trial. In the above-mentioned case the Hon'ble Supreme Court of India held that appellant who was being prosecuted for being in possession of commercial quantity of narcotic substance, was entitled for bail in view of her incarceration for a period of 19 months.



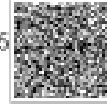
21. Similarly in another case i.e. in the case of ‘Satender Kumar Antil v. Central Bureau of Investigation’ (2022) 10 SCC 51 prolonged incarceration and inordinate delay engaged the attention of the Hon’ble Supreme Court of India, which considered the correct approach towards bail, with respect to several enactments, including Section 37 NDPS Act. The Hon’ble Supreme Court of India expressed the opinion that Section 436A of the Criminal Procedure Code, 1973 [which requires inter alia the accused to be enlarged on bail if the trial is not concluded within specified periods] would apply in such cases.

22. In the case of ‘Ismail Khan @ Pathan vs. State of Rajasthan’ Criminal Appeal No.4911 of 2025 with regard to recovery of commercial quantity of narcotic substance the Hon’ble Supreme Court of India accorded the benefit of bail to the accused in view of prolonged incarceration for a period of 02 years and 08 months of the accused.

23. The similar benefit has been taken in another appeal i.e. SLP No.15699-2025 titled as ‘Ebrahim @ Ibrahim SK vs. The State of West Bengal’ and in the case of ‘Pamesh Arora vs. UT Chandigarh’ Criminal Appeal No.4872 of 2025.

24. In the case of ‘Hasanujjaman & Ors. V/s The State of West Bengal’ SLP (Crl.) No.3221 of 2023, the benefit of bail has been accorded by the Hon’ble Supreme Court of India to an accused, who was found in the possession of 115 bottles of phensedyl, by observing that:-

- a) the petitioner was in custody for a period of one year and three months;



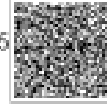
- b) the investigation in that case was complete and charge-sheet had been filed, but charges were yet to be framed;
- c) the conclusion of trial would take some time; and
- d) the petitioner had no criminal antecedents.

In view of abovementioned prevailing factors, it has been observed by the Hon'ble Supreme Court of India that there is substantial compliance of Section-37 of NDPS Act.

25. Similarly, in the case of 'Nandlal Mondal @Abhay Mondal V/s The State of West Bengal' SLP(CrI) No.12788/2023, the Hon'ble Supreme Court of India afforded the benefit of bail to the accused, who was found in possession of 10,000 ml of codeine phosphate, and was in custody for a period of one and a half year, by considering that conclusion of trial would take long time.

26. In view of abovementioned facts and circumstances of the case, following are the factors, which needs consideration: -

- (i) that the petitioner is already in custody for a period of more than 08 months and 12 days;
- (ii) that the petitioner is not a partner of firm for the last more than three years, wherein the alleged violation took place;
- (iii) that the only violation attributed to the petitioner is that he was in possession of Tramadol (Tricon-P), beyond the permissible limit, in the year 2020, which means that the incident in question is about 05 years old;
- (iv) that there is no denial on the part of respondent that as per procedure, the stock position is uploaded every month by the firms and the stock position is declared therein to the



concerned authorities. The abovementioned authorities continued to be in slumber for 05 years and out of blue in the year 2025, the prosecution has been launched;

(v) that simply because the petitioner had facilitated the raid with regard to premises, wherein his elder brother and the family of elder brother are partners, does not mean that the petitioner has been looking after the day-to-day business of the abovementioned firm or that he was a beneficiary of any profit being earned by the abovementioned firm;

(vi) that the petitioner has clean antecedents;

(vii) that nothing is left to be recovered from possession of petitioner;

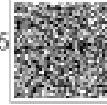
(viii) that the investigation and trial are not likely to be concluded in near future;

(ix) that detention of petitioner in judicial lock up is not likely to serve any purpose;

(x) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses; and

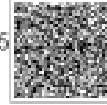
(xi) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in trial.

27. In the present case, the principles of law laid down by the Hon'ble Supreme Court in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are also relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are



instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

28. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which

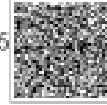


is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

29. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

30. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

31. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a



CRM-M-73692-2025 (O&M)

14

conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

32. Accordingly, without commenting anything on the merits of the case, the present petition is hereby *allowed*. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

10.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No